

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Rodney Wade Underwood, Jr.

Your full name

STATE CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. § 1983

v.

Civil Action No.: 5:21cv68
(To be assigned by the Clerk of Court)

Andrew Galotti

Bailey
Mazzoni
Blatock

Enter above the full name of defendant(s) in this action

FILED

MAY - 5 2021

I. JURISDICTION

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

This is a civil action brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Your Name: Rodney Wade Underwood, Jr.

Inmate No.: 3536842

Address: North Central Regional Jail, 1101 Stone Greenway, CEV

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

B. Name of Defendant: Andrew Galotti

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Position: 6-14 Step 3 - Electronic Engineer
 Place of Employment: F.B.I
 Address: 236 Timber Ridge Rd. Bridgeport, WV
26336

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Use of position to influence legal procedure and events. Obtaining legal documents to personal use and hindering pursuit of happiness. Both indirectly & illegal obtaining of personal Emails, video, directly. and audio.

B.1 Name of Defendant: J. M. Holley
 Position: SGT
 Place of Employment: Bridgeport Police Department
 Address: 515 West Main St. Bridgeport, WV
26330

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Arresting Officer Assisted by J.M. Holley, J. Carey lower Burdette in act of influence by surrendering legal documents causing obstructed of pursuit of happiness

B.2 Name of Defendant: J Carey
 Position: Patrolman
 Place of Employment: Bridgeport Police Department
 Address: 515 Bridgeport, WV
West Main St.

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Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Arresting officer
in case ~~number~~, arresting Mr. Garolli in
violation of civil rights.

B.3 Name of Defendant: Owen Burdette
Position: LPO
Place of Employment: Formerly Bridgeport Police Dept.
Address: 515 West Main St. Bridgeport, WV
26330

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Alto Wong Forgery of
legal documents and obtainment for
Mr. Garolli's use

B.4 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

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B.5 Name of Defendant: _____

Position: _____

Place of Employment: _____

Address: _____

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/Institution: North Central Regional Jail

- A. Is this where the events concerning your complaint took place?
☐ Yes ☒ No

If you answered "NO," where did the events occur?

Bridgeport, WV

- B. Is there a prisoner grievance procedure in the institution where the events occurred? ☐ Yes ☒ No

- C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure? ☐ Yes ☒ No

- D. If your answer is "NO," explain why not It did not occur in an institu

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- _____

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 _____

LEVEL 2 _____

LEVEL 3 _____

IV. **PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES**

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No
- B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

2. Court: N/A
(If federal court, name the district; if state court, name the county)

3. Case Number: N/A

4. Basic Claim Made/Issues Raised: N/A

5. Name of Judge(s) to whom case was assigned: N/A

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6. Disposition: N/A
(For example, was the case dismissed? Appealed? Pending?)
7. Approximate date of filing lawsuit: N/A
8. Approximate date of disposition. **ATTACH COPIES**
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B? ☐ Yes ☒ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.
First time filing a claim.
- E. Did you exhaust available administrative remedies? ☒ Yes ☐ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.
Wrote motion for procedure attached.
- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

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1. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

2. Name and location of court and docket number:

N/A

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: N/A

5. Approximate date of disposition: N/A

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN A SEPARATE CIVIL ACTION. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: Use of Position to obtain legal document for personal use in hindering pursuit of Happiness.

Supporting Facts: Andrew Galotti has obtained and used copies of legal paperwork to send pictures, move court proceedings, and ~~ob~~ for benefited gain. Using them in family court proceedings. Pictures through text messages to Mr. Galotti. Through dates 4-5-21 - April 15th, 2021

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CLAIM 2: Andrew Galotti has used position to influence attainment of personal emails, videos, and audio. This has been done in personal communications

Supporting Facts: Verbal, and legal statements by Mr. Galotti, in both family court and admission to Danielle Galotti Text and audio and court documents between 12-5-2020 and 4-5-21.

CLAIM 3: Andrew Galotti conspired to produce such movement against my constitutional Rights.

Supporting Facts: Standing Relationship with other defendants due to prior involvement. Resulting in influence of breaking boundaries in which granted.

CLAIM 4: J.M. Holley Aided in the obtaining of legal documents prior to disposition date.

Supporting Facts: Emails between MS. Galotti and Sgt. J.M. Holley. Use of document for personal gain in moral injury, by influence of Mr. Andrew Galotti.

CLAIM 5: J. Carey has remained an instrument to which he was used to cause mental, physical, spiritual hindrance to my own pursuit of happiness.

Supporting Facts: Changing of signature on attached form at later date to prepare legal attachment, and the original that was signed is attached.

VI. INJURY

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Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Physically, spiritually, and mentally; I have felt withheld from my right as a U.S. Citizen to present an individual life without conspired obstruction. EMOTIONAL DISTRESS which caused the feeling of unnecessary infliction on emotional state. VII. RELIEF conspiracy of the defendants.

State **BRIEFLY and EXACTLY** what you want the Court to do for you.

Make no legal arguments. Cite no cases or statutes.

To ensure that no other person is harmed mentally, physically, or emotionally, by the abuse of good position. Asking for immediate evaluation of those involved and security of my constitutional rights. To feel free TO undergo rehabilitation through an outside facility.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at NCP, Horse greenwood, va on 04-27-21.
(Location) (Date)


Your Signature

Attachment E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

Rodney Wade Underwood, Jr.

Your full name

V.

Civil Action No.: 5:2/cv68

Andrew Galotti

Enter above the full name of defendant(s) in this action

Certificate of Service

I, Rodney Wade Underwood (your name here), appearing *pro se*, hereby certify that I have served the foregoing Notice of Deficient Pleading ^{I intend to} ~~dismiss~~ title of document being sent) upon the defendant(s) by depositing true copies of the same in the United States mail, postage prepaid, upon the following counsel of record for the defendant(s) on 4.27-21 (insert date here):

(List name and address of counsel for defendant(s))

(sign your name)